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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Case No.: CR 11-00537 LHK

Plaintiff,

**STIPULATION TO CONTINUE
HEARING AND EXCLUDE TIME;
~~PROPOSED~~ ORDER**

v.

SALVADOR CORTEZ-LOPEZ,

Honorable Lucy H. Koh

Defendants.

STIPULATION

The defendant, Salvador Cortez-Lopez, and the government, through their respective counsel, hereby stipulate that, subject to the Court's approval, the status hearing in the above-captioned matter, presently set for January 12, 2012, at 10:00 a.m., be continued to February 15, 2012, at 10:00 a.m.

The reason for the requested continuance is that Mr. Santiago-Garcia's defense counsel is on extended maternity leave, and this matter will be reassigned within the Office of the Federal Public Defender to Assistant Federal Public Defender Heather Rodgers, whose scheduled start date is January 17, 2012. The Federal Public Defender respectfully requests that this matter be continued to grant Mr. Cortez-Lopez's new counsel necessary time in order to effectively prepare.

STIP. TO CONTINUE;
~~PROPOSED~~ ORDER
No. CR 11-00537 LHK

Accordingly, the parties agree and stipulate that time should be excluded from January 12, 2012, through and including February 15, 2012, under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective preparation. Mr. Cortez-Lopez and the government further agree that granting the requested exclusion of time will serve the interest of justice and the ends of justice outweigh the interest of the public and the defendant in a speedy trial. The parties therefore stipulate that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

IT IS SO STIPULATED.

Dated: January 4, 2012

/s/
LARA S. VINNARD
Assistant Federal Public Defender

Dated: January 4, 2012

/s/
ANN MARIE URSINI
Special Assistant United States Attorney

~~PROPOSED~~ ORDER

The parties have jointly requested a continuance of the hearing set for January 12, 2012, for effective preparation of defense counsel. GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date presently set for January 12, 2012., be continued to February 15, 2012 at 10:00 a.m.

Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded under the Speedy Trial Act from January 12, 2012 to February 15, 2012. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny new defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

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STIP. TO CONTINUE;
~~PROPOSED~~ ORDER
No. CR 11-00537 LHK

1 The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§
2 3161(h)(8)(A) and (B)(iv).

3 IT IS SO ORDERED.

4 Dated: 1/6/12


HONORABLE LUCY H. KOH
UNITED STATES DISTRICT COURT JUDGE